

FACSIMILE COVER SHEET

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NAME: Examiner Tony Nguyen
FROM: Theodore Naccarella
RE: Patent Application No. 09/342,768
S&L Docket No. 25532 Your File No. _____

A total of 8 pages, including this cover sheet, will be transmitted.

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Date: September 9, 2002 Time: _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Scott Bermingham Doyle et al.

Application No.: 09/342,768

Examiner: Nguyen T.

Filing Date: June 28, 1999

Group Art: 2684

Title: LMDS SYSTEM WITH EQUAL POWER TO SUBSCRIBER LOCATIONS

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any papers indicated as being sent via Facimile to Examiner Tony Nguyen at 703-872-9314 on September 9, 2002.

9-9-02
Date

Katrina Lynn
Katrina Lynn

The Commissioner for Patents
Washington, DC 20231

LETTER

Sir:

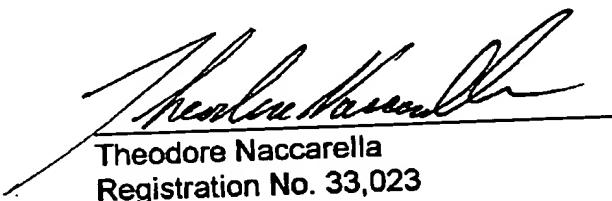
Applicants respectfully thank the Examiner in this case for the courtesy telephone call of September 6, 2002 indicating that he has not received a response to the Notice of Non-Compliance dated April 24, 2002. In that telephone conversation, Applicant's undersigned representative indicated that a response had, in fact, been filed. The Examiner asked Applicants' counsel to fax him a copy of that response. Accordingly, a copy of that response is attached hereto as Exhibit A.

Note that the response includes a properly executed Certificate of Mailing under 37 CFR §1.8(a). Further, note that attached hereto as Exhibit B is a copy of the return postcard received from the Patent and Trademark Office evidencing that the Patent and Trademark Office received the response. Exhibit B is prima facie evidence of receipt of the response. MPEP §503.

09/09/2002 15:36 FAX

In view of the foregoing, this application is still pending. Applicants respectfully request the Patent and Trademark Office to issue a Notice of Allowance at the earliest possible date.

Respectfully submitted,



Theodore Naccarella
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Attorneys for Applicants

Inventor / TM. Appl. S.B. Doyle et al.
 Client The W.R. Grace Corp.

The Patent / Trademark Office is in receipt of the following:

Affidavit/Declaration, 37 CFR _____
 Amendment, 37 CFR _____
 Amendment to allege use _____
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 Appointment of domestic representative _____
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 Cert. of correction request _____
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 Extension of time to file Statement of use _____
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 Patent Application
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 _____ # of sheets of drawings _____
 Declaration/Oath: _____ signed _____ unsigned
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Appl. No. 09/342,768 Filing Date 6-28-1999
 Docket No. 25532 USA Atty. TAU/DSC

Title of Invention / Mark LMS Systems
Subscriber Location
 PCT Application, transmittal, request & fee sheet _____
 Petition under 37 CFR _____
 Petition for cancellation _____
 Power of attorney _____
 Priority claim _____
 Renewal application _____
 Reply, 37 CFR _____
 Request for extension of time to file opposition notice
 (in triplicate) _____
 Section 8/Section 15 Affidavit/Declaration _____
 Specimens _____
 Statement of use _____
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 Declaration _____
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 Verified statement/Small entity _____
 Withdrawal _____
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Amendment